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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,174

10/05/2005

Matthias Fischer

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6501

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EXAMINER

STERLING, AMY JO

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

09/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/552,174

Applicant(s)

FISCHER ET AL.

Examiner

Amy J. Sterling

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3632

### **DETAILED ACTION**

This is the first Office Action for application number 10/552,174, Longitudinal Guiding Element for Motor Vehicle Seat, filed on 10/5/05. Claims 1-26 are pending.

#### ***Information Disclosure Statement***

The information disclosure statement submitted on 4/17/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 11 recites that the guiding slide is along a "vertical axis, perpendicular to the seat longitudinal direction" and the drawings the specification teach that the guiding slide is horizontal.

Art Unit: 3632

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites that the guiding slide is along a "vertical axis, perpendicular to the seat longitudinal direction" and it is unclear as to how this is possible when claim 12 clearly states that the guiding pin is supported in a horizontal direction.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

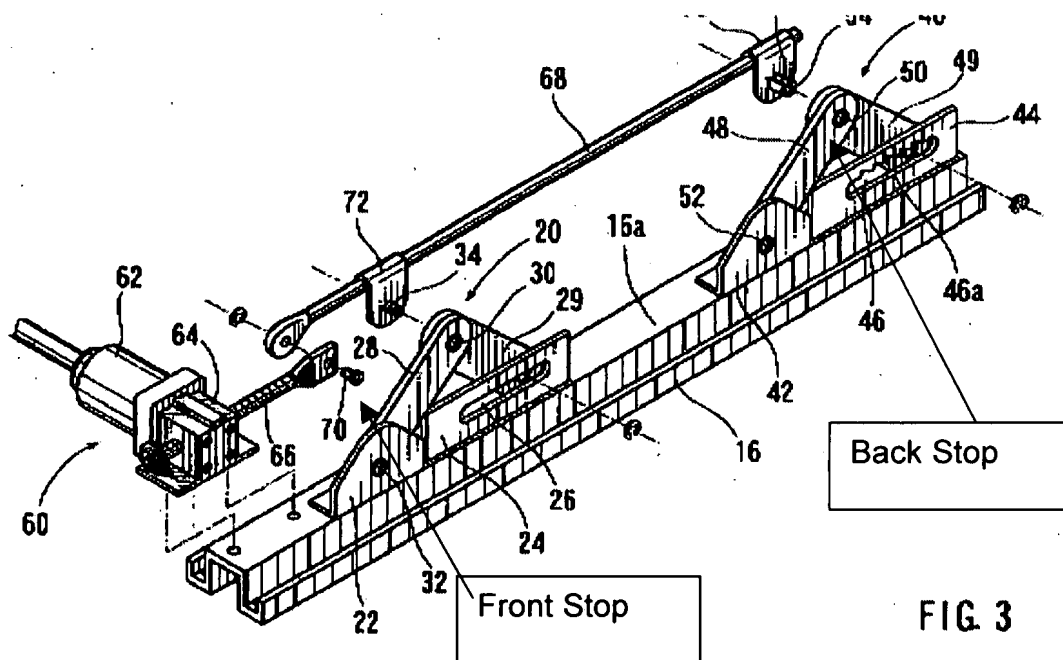
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16, 18-21 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Publication Patent No. 2003/0218369 to Akaike et al.

The Publication to Akaike et al. discloses a longitudinal guiding element for a motor vehicle seat with two guide elements (40, 68) extended in a longitudinal direction and a guiding device (24, 44) by which one guide element is displaced in the seat longitudinal direction relative to the other guide element wherein the guiding device comprises two sliding guides (24, 44) mounted one behind the other in the seat longitudinal direction and each have a guiding slide and a guiding pin (34, 54) guided in

Art Unit: 3632

the guiding slide, wherein a first sliding guide of the two sliding guides is formed by a guiding slide provided on the one rail and a guiding pin provided on the other rail and that a second sliding guide is formed by a guiding pin provided on the one rail and a guiding slide provided on the other rail, wherein the two guide elements (40, 68) are displaceable relative to each other in the seat longitudinal direction between a first end position and a second end position and wherein the first guiding slide and the second guiding slide each extend between a front stop (See Drawing Below) in the rail longitudinal direction and a rear stop in the rail longitudinal direction wherein the stops restrict movement of the guiding pins in the guiding slides.



The publication to Akaike et al. teaches wherein in one end position of the two guide elements the guiding pin of a front sliding guide in the rail seat longitudinal direction bears against the front stop of the guiding slide and the guiding pin of a rear sliding guide in the seat longitudinal direction bears against the rear stop of the guiding slide and wherein in the other end position of the two guide elements the guiding pin of the front sliding guide in the seat longitudinal direction bears against the rear stop of the guiding slide and the guiding pin of the rear sliding guide in the seat longitudinal direction bears against the front stop of the guiding slide, wherein the one end position of the guide elements corresponds to a useful position of the seat in which this is provided for use by a vehicle passenger, and that the other end position of the guide elements corresponds to a displaced position of the seat in which this is not provided to receive a vehicle occupant, wherein one guide element is provided to receive an upholstery carrier of a motor vehicle seat and the other guide element is provided for fixing on a structural assembly fixed on a floor of the motor vehicle, wherein the two guide elements are mounted side by side horizontally across the seat longitudinal direction and form an inner guide element and an outer guide element, wherein the two guide elements are arranged as a pair on each of the two longitudinal sides of a motor vehicle seat.

The publication to Akaike et al. teaches wherein a locking device (teeth 54a) is provided for locking the guiding device in at least one seat longitudinal position and wherein each guiding pin is supported in an associated guiding slide along a vertical or horizontal axis transverse direction perpendicular to the seat longitudinal direction,

Art Unit: 3632

wherein in each guiding slide there is a slider (29) having a support face in a vertical direction, the support face for supporting at least one of the an associated guiding pin and the other guide element, wherein the support faces enable a support in two oppositely aligned directions along the vertical axis and a support in two oppositely aligned directions along the horizontal axis perpendicular to the seat longitudinal direction and wherein, each slider extends with at least one part of a slide region in the seat longitudinal direction only over a part of an extension of an associated guiding slide and wherein the two guide elements are displaceable relative to each other in the seat longitudinal direction between a first end position and a second end position and wherein in an end position of the first and second end positions serving as the useful position of the two guide elements the pins are not supported on the associated sliders along the vertical axis, wherein each guiding slide tapers in an end section which is free of slide regions of an associated slider in order to provide a continuous smooth transition between the slide regions and the end section of the guiding slide and a foldable backrest (2) in a direction of the seat underframe and wherein the locking device is only unlockable when the backrest is folded forward.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3632

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Publication No. 2003/0218369 to Akaike et al. as applied to claims 1 and 14-16 above, and in view of United States Patent No. 6557809 to Downey.

Akaike et al. does not specifically teach that the material the sliders are made of is plastic or metal.

Downey teaches a seat track assembly wherein the sliders are made of plastic (See Col. 7 line 14 for material), used for its resilient and strength properties and any suitable such as metal is well known in the art at the time of the invention. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Downey. to have made the device of plastic or metal in order to have a suitable material for the device.

### ***Allowable Subject Matter***

Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various seat adjusters




Art Unit: 3632

2005/0116522 to Holdampf

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling  
8/22/07

  
AMY J. STERLING  
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